

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Chambers of
Jessica S. Allen
United States Magistrate Judge

Martin Luther King, Jr. Federal Bldg.
& U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102
(973) 645-2580

September 28, 2022

LETTER ORDER

To: Counsel of Record via ECF

Re: Color Street LLC v. Audere, Inc., et al.,
Civil Action No. 22-2267 (JXN) (JSA)

Dear Counsel:

Before the Court is the parties' joint letter of September 8, 2022, (ECF No. 23), setting forth their general agreement to conduct personal jurisdictional discovery through service of written discovery requests before Defendants file their anticipated motion to dismiss for lack of personal jurisdiction. However, as detailed in their September 8th submission, the parties disagree about the maximum number of written discovery requests allowed to be served and whether the scope of jurisdictional discovery should include matters relevant to the *Calder* effects test. (*Id.*).

As a threshold matter, the Court notes that on May 10, 2022, the Honorable Julien X. Neals, U.S.D.J., stayed the matter while the parties pursued mediation. (ECF No. 13). However, both mediation and further settlement discussions were unsuccessful. Accordingly, the stay of this civil action is **LIFTED**.

With respect to the parties' jurisdictional discovery disputes, in light of Plaintiff's assertion of intentional tort claims and to promote efficiency, the Court **GRANTS** Plaintiff limited jurisdictional discovery only as to the jurisdictional facts relevant to Defendants' contacts with the State of New Jersey and the *Calder* effects test. Such discovery shall consist of no more than fifteen

(15) interrogatories and fifteen (15) requests for the production of documents to each Defendant.

All such discovery shall be completed within sixty (60) days from the date of this Order.

The parties shall appear for a Telephone Status Conference before the Undersigned **on November 29, 2022 at 9:30 a.m.** The parties shall submit a joint letter **on or before November 23, 2022**, confirming the completion of jurisdictional discovery and setting forth a proposed briefing schedule for Defendants' anticipated motion to dismiss for lack of personal jurisdiction. The Court will provide the parties with the conference call information in advance.

SO ORDERED.

s/Jessica S. Allen
HON. JESSICA S. ALLEN
United States Magistrate Judge

cc: Hon. Julien Xavier Neals, U.S.D.J.